



Minutes
Governor's Traffic Stop Advisory Board
Internal Review Subcommittee Meeting
July 24, 2008

Members Present: Dr. Luis Fernandez, Mr. Jason Martinez and Mr. Tom Milderbrandt

Members Absent: Chief Robert Huddleston

Staff: John Raeder

Others Present: Chief Mikel Longman -DPS

1. Purpose of the Meeting

Dr. Luis Fernandez started the first meeting at 2:00 p.m. Dr. Fernandez stated that the Purpose of the meeting is to define the goals of the Subcommittee. Mr. Milderbrandt suggested that DPS had complied with most requests made by the board but felt that the focus should be on record keeping and asked Chief Longman to explain any progress DPS was making in improving record keeping.

Chief Longman explained that DPS was continually working to improve record keeping. These efforts include a new process called "electronic capture". The system, which is still being tested, is a completely computerized ticketing system that would serve as a more efficient system of storage and retrieval of traffic stop information. This new system would be less vulnerable to input errors as well as a more efficient and reliable way to examine a traffic stop.

Mr. Milderbrandt also stated that he felt that many members of the full board wanted to be actively involved in the review process of racial profiling cases, but feels that AG office would be opposed to citizens being involved in active profiling investigations. The subcommittee agreed that legal guidance was needed to determine if the board had any legal right to be involved in active or previously resolved racial profiling cases.

2. DPS Policy and Procedures for Investigating Racial Profiling

Dr. Fernandez felt that first focus of the subcommittee should be to examine and review the 19 reported cases of racial profiling last year. Specifically the process that DPS used to investigate claims of racial profiling. Dr. Fernandez inquired about any restrictions that might limit the review and asked for legal advise as to what types of information would be unavailable and what type of information would be available for review as it pertained to specific cases. Some information to examine might be: What are the

allegations? Can we possibly follow up with the people? What was the basis of the dismissal? What is the general process? Dr Fernandez Inquired about the possibility of reviewing cases without any specific names with the main goal being to better understanding the procedures that DPS uses to investigate claims of racial profiling.

Mr. Martinez pointed out that the information obtained would be used to make recommendations to improve the policy and process of investigating future racial profiling cases and not to discipline any officers.

Chief Longman pointed out that while there had been 18 or 19 possible cases of racial profiling, none of them were sustained after review. Chief Longman Offered to bring in a senior officer to explain the DPS policy for handling a possible racial profiling case from start to finish. Chief Longman also felt that it would be necessary to confirm with the State Attorney Generals Office before any information about specific cases could be made available to the subcommittee.

Mr. Milderbrandt voiced his concern with allowing outsiders to be apart of the review process as being unfair to the officer due to the fact that the current system does not allow an officer to have legal council during the review.

3. Traffic Stops and Illegal Immigration Enforcement

Dr Fernandez felt that another goal of the committee should be to examine policy and procedures around immigration enforcement to ensure that racial profiling is not occurring.

Chief Longman explained DPS involvement with Board Patrol, Immigration and Customs (ICE) and Task force IMPACT. All officers and agents involved with IMPACT have had specific Federal 287G Training. Specific policy of DPS is that if the officer involved in a stop has reason to believe a person is in the country Illegally they should contact ICE.

Dr. Fernandez asked that Chief Longman develop a report detailing DPS immigration enforcement policy and the different agencies and task forces that DPS is working with to determine what possible racial profiling problems might occur. He also asked what steps were being taken by DPS to assure no racial profiling was occurring.

Chief Longman asked that the Request be made Dora Vasquez so it is added to the next agenda. He will have Commander Tim Chung come and discuss DPS procedure with the Board as it pertains to illegal immigration enforcement.

4.Consent Searches

Dr. Fernandez pointed out that ACLU has suggested that a consent search, by definition, is one where the officer has no probable cause. Thus, should a new policy for consent searches be developed?

Chief Longman offered to have patrol officer come in and explain to the sub committee why consent searches are necessary and what roll they play in daily law enforcement

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5. Meeting Dates

Dr. Fernandez asked the members present when the next subcommittee meeting should be scheduled. After short discussion the meeting was scheduled August 7, 2008 at 2:00 pm.